

REMARKS

The following remarks are provided in response to a teleconference with the Examiner conducted September 3, 2004. The applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections.

35 U.S.C. §103(a)

The Examiner rejected claims 1-5, 7-12, 14-15 and 17 under 35 U.S.C. §103(a) as being unpatentable over Bauer in view of Hollander. For at least the foregoing reasons the applicants traverse the Examiner's rejection.

A *prima facie* case of obviousness under 35 U.S.C. §103 requires, among other criteria, that "... the prior art reference (or references when combined) must teach or suggest all the claim limitations." (emphasis added) (See M.P.E.P. 706.02(j) and 2143.03). To overcome a §103(a) rejection, the applicants must only demonstrate that the cited prior art document or documents fail individually and in combination to teach or suggest one element or limitation present in the claim.

Currently amended independent claim 1 recites in a salient portion:

... communicating command and control information between the CPU server and the CPU bus functional model over a network according to an XBUS protocol modified to exchange data for all modules using the XBUS protocol by sharing a plurality of registers and without using a physical bus
(emphasis added)

Currently amended independent claims 8 and 12 recite a similar limitation. Claims 14, and 18-23 have been canceled.

App. No.: 09/495,150
Docket No.: 042390.P8209

6

Examiner: H. Day
Art Unit: 2123

The Examiner relies on Bauer page 778, section 5.3, paragraphs 7 and 8 to teach that the network operates according to TCP/IP protocol. The applicants respectfully assert, however, that the cited portions of Bauer do not teach that the communication over the network accords to an XBUS protocol modified to exchange data for all modules using the XBUS protocol by sharing registers and without using a physical bus. Accordingly, the applicants affirm that currently amended independent claims 1, 8, and 12 recite at least an element not taught by Bauer, either individually or in combination with Hollander.

As dependent claims 2-3, 5, and 9-11 depend from nonobvious independent claims, the dependent claims are also nonobvious. (See M.P.E.P. §2143.03 (citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988))).

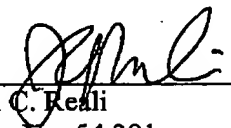
CONCLUSION

For at least the foregoing reasons, the applicants submit that they have overcome the Examiner's rejections and that they have the right to claim the invention as set forth in the listed claims.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY SOKOLOFF TAYLOR & ZAFMAN, L.L.P.

9/3/04
Dated: _____


Jon C. Reali
Reg. No. 54,391

12400 Wilshire Boulevard
Los Angeles, California 90025
(503) 439-8778

App. No.: 09/495,150
Docket No.: 042390.P8209

7

Examiner: H. Day
Art Unit: 2123